

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2005-1114-LII-E TCEQ ID: RN104574389 CASE NO.: 25967
RESPONDENT NAME: JOEY SISCA

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 3306 Parliament Cove and 21106 Ridgeview Road, Lago Vista, Travis County</p> <p>TYPE OF OPERATION: landscape irrigation system installation</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Three complaints have been received. One complainant alleged the Respondent had overcharged him for irrigation work; two complainants alleged the Respondent was doing irrigation work without a license. There is no record of additional pending enforcement actions regarding this individual.</p> <p>INTERESTED PARTIES: The complainants have not indicated a desire to protest this action or to speak at agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E, Austin Regional Office, MC R-11, (512) 339-2929</p> <p style="margin-left: 20px;">TCEQ Regional Contact: Ms. Carolyn Runyon, Air Enforcement Section, MC R-4, (817) 588-5890</p> <p style="margin-left: 20px;">Respondent: Mr. Joey Sisca, P.O. Box 4752, Lago Vista, Texas 78645</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: August 20, 2004; October 28, 2004; January 5, 2006</p> <p>Dates of Investigation Relating to this Case: November 2, 2004, January 9, 2006</p> <p>Date of NOEs Relating to this Case: April 29, 2005, February 10, 2006</p> <p>Background Facts:</p> <p>The case was originally referred to the Litigation Division on December 21, 2005 but was put on hold when a subsequent investigation found that additional violations had occurred with the same Respondent. These violations were merged into the original case. An EDPRP was filed and mailed on November 27, 2006. The Respondent failed to file a timely answer to the EDPRP and failed to request a hearing. Numerous negotiations were held in an attempt to reach settlement. A Default Order was set for the April 2, 2008 Agenda, but was remanded when an Agreed Order was signed by the Respondent on April 1, 2008.</p> <p>LII</p> <p>1. Failed to hold an irrigators license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, including the connection of such system to any water supply [30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a); TEX. WATER CODE § 37.003; and TEX. OCC. CODE § 1903.251].</p> <p>2. Failed to possess an irrigator license before advertising or representing to the public that he could perform services for which a license was required without holding such a license or employing an individual who held a current license. [30 TEX. ADMIN. CODE § 30.5(b)].</p> <p>3. Failed to refrain from using or attempting to use the license of someone else who is a licensed irrigator or licensed installer and to possess an irrigator license before advertising or representing to the public that an individual can perform services for which a license is required unless the individual holds a license or employs an individual who holds a current license [30 TEX. ADMIN. CODE §§ 344.58(b) and 30.5(b)].</p>	<p>Total Assessed: \$4,000</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/ Due to General Revenue: \$187/ \$3,813</p> <p>The Respondent has paid \$187 of the administrative penalty. The remaining amount of \$3,813 shall be payable in 31 monthly payments of \$123 each.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Refrain from using or attempting to use the license of someone else who is a licensed irrigator or licensed installer; and</p> <p>b. Cease advertising, selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed.</p> <p>2. Within 30 days, submit written certification statement demonstrating compliance with the above Ordering Provisions.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	13-Jun-2005	Screening	22-Jun-2005	EPA Due	
	PCW	15-Dec-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	Joey Sisca
Reg. Ent. Ref. No.	RN104574389
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	25967	No. of Violations	2
Docket No.	2005-1114-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$1,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No change due to no previous compliance history.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$21
Approx. Cost of Compliance	\$300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$1,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,500**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$1,500**

DEFERRAL Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended because the respondent did not settle in a timely manner.

PAYABLE PENALTY **\$1,500**

Screening Date 22-Jun-2005

Docket No. 2005-1114-LII-E

PCW

Respondent Joey Sisca

Policy Revision 2 (September 2002)

Case ID No. 25967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574389

Media [Statute] Irrigators

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History Notes

No change due to no previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 22-Jun-2005

Docket No. 2005-1114-LII-E

PCW

Respondent Joey Sisca

Policy Revision 2 (September 2002)

Case ID No. 25967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574389

Media [Statute] Irrigators

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 30.5(a) and 344.4(a)

Secondary Rule Cite(s) Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description

Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, including the connection of such system to any water supply. Specifically, an irrigation system was installed at 3306 Parliament Drive, Lago Vista, Texas and an irrigation system controller was replaced at 21106 Ridgeview Road, Lago Vista, Texas.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes Failure to have a valid irrigator license prior to installing an irrigation system could result in human health or the environment being exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$1,875

Base Penalty Subtotal \$625

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,250

Two single events are recommended based on the irrigation systems that were installed/repaired.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Joey Sisca
Case ID No. 25967
Reg. Ent. Reference No. RN104574389
Media [Statute] Irrigators
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$300	02-Nov-2004	31-Mar-2006	1.4	\$21	n/a	\$21
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of obtaining the required license before installing/repairing landscape irrigation systems. Date Required = inspection date; Final Date = expected date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$300****TOTAL** **\$21**

Screening Date 22-Jun-2005

Docket No. 2005-1114-LII-E

PCW

Respondent Joey Sisca

Policy Revision 2 (September 2002)

Case ID No. 25967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574389

Media [Statute] Irrigators

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 30.5(b)

Secondary Rule Cite(s)

Violation Description

Failure to possess an irrigator license before advertising or representing to the public that an individual can perform services for which a license is required unless the individual holds a license or employs an individual who holds a current license. Specifically, the respondent advertized in the local newspaper "sprinkler systems, installation & maintenance".

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				Percent
	Actual				
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$2,250

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent Joey Sisca
Case ID No. 25967
Reg. Ent. Reference No. RN104574389
Media [Statute] Irrigators
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See violation No. 1.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	13-Feb-2006	Screening	15-Feb-2006	EPA Due	
	PCW	16-Feb-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Joey Sisca
Reg. Ent. Ref. No.	RN104574389
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

CASE INFORMATION	
Enf./Case ID No.	25967
Docket No.	2005-1114-LII-E
Media Program(s)	Irrigators
Multi-Media	
Admin. Penalty \$ Limit Minimum	\$0
Maximum	\$2,500
No. of Violations	1
Order Type	1660
Enf. Coordinator	Jorge Ibarra, P.E.
EC's Team	Enforcement Team 4

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No change due to no previous compliance history.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$10
Approx. Cost of Compliance	\$300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$2,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$2,500**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$2,500**

DEFERRAL Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for non expedited settlement.

PAYABLE PENALTY **\$2,500**

Screening Date 15-Feb-2006	Docket No. 2005-1114-LII-E	PCW
Respondent Joey Sisca		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 25967		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN104574389		
Media [Statute] Irrigators		
Enf. Coordinator Jorge Ibarra, P.E.		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A <

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A <

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No change due to no previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 15-Feb-2006

Docket No. 2005-1114-LII-E

PCW

Respondent Joey Sisca

Policy Revision 2 (September 2002)

Case ID No. 25967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104574389

Media [Statute] Irrigators

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 344.58(b) and 30.5(b)

Secondary Rule Cite(s)

Violation Description

Failure by an individual to refrain from using or attempting to use the license of someone else who is a licensed irrigator or licensed installer and to possess an irrigator license before advertising or representing to the public that an individual can perform services for which a license is required unless the individual holds a license or employs an individual who holds a current license. Specifically, Mr. Sisca used Mr. Raul Lopez's irrigator's license (LI# 4749) to advertise as an licensed installer in the local newspaper as "A-1 Landscape & Irrigation".

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
X			

Percent 100%

Matrix Notes

Failure by an individual to refrain from using or attempting to use the license of someone else who is a licensed irrigator or licensed installer could result in poor design of the system which in turn could promote poor water conservation. Falsification is alleged because Mr. Sisca advertised as a licensed irrigator and included Mr. Lopez's license number in the advertisement. Mr. Lopez is not an employee of Mr. Sisca and did not give him permission to use his license number.

Adjustment \$0

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single events is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Joey Sisca
 Case ID No. 25967
 Reg. Ent. Reference No. RN104574389
 Media [Statute] Irrigators
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$300	09-Jan-2006	01-Sep-2006	0.6	\$10	n/a	\$10
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost of obtaining the required license before installing/repairing landscape irrigation systems. Date Required = inspection date; Final Date = expected date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$300**

TOTAL \$10

Compliance History

Customer/Respondent/Owner-Operator: CN602816084 Joey Sisca Classification: N/A Rating: 0.000
Regulated Entity: RN104574389 Joey Sisca Classification: N/A Site Rating: 0.00
ID Number(s): None
Location: P.O. Box 4752, Lago Vista, Travis County, Texas 78645 Rating Date: 9/1/05 Repeat Violator: NO
TCEQ Region: REGION 11 - Austin
Date Compliance History Prepared: February 15, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 15, 2001 to February 15, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Comments:

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 11/02/2004 (376659)
2 01/09/2006 (454852)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOEY SISCA
RN104574389

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-1114-LII-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Joey Sisca ("Mr. Sisca") under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. OCC. CODE ch. 1903. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Sisca, appear before the Commission and together stipulate that:

1. Mr. Sisca installed a landscape irrigation system located at 3306 Parliament Cove and repaired a landscape irrigation system at 21106 Ridgeview Road in Lago Vista, Travis County, Texas (the "Sites").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 37.003 because it alleges violations of TEX. OCCUPATIONS CODE ch. 1903 and TEX. WATER CODE ch. 37 and the TCEQ rules.
3. The Commission and Mr. Sisca agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Sisca is subject to the Commission's jurisdiction.
4. Mr. Sisca received notice of the violations alleged in Section II ("Allegations") on or about May 4, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Sisca of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of four thousand dollars (\$4,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr.

Sisca has paid one hundred eighty-seven dollars (\$187.00) of the administrative penalty. The remaining amount of three thousand eight hundred thirteen dollars (\$3,813.00) of the administrative penalty shall be payable in 31 monthly payments of one hundred twenty-three dollars (\$123.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Sisca fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. Sisca's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Sisca to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Sisca have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Sisca has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. Mr. Sisca is alleged to have violated:
 - a. 30 TEX. ADMIN. CODE § § 30.5(a) and 344.4(a), TWC § 37.003, and TEX. OCCUPATIONS CODE § 1903.251, by failing to hold an irrigators license prior to selling, designing, consulting, installing, maintaining, altering repairing or servicing an irrigation system, including the connection of such system to any water supply. Specifically, an irrigation system was installed at 3306 Parliament Drive, Lago Vista,

Texas and an irrigation system controller was replaced at 21106 Ridgeview Road, Lago Vista, Texas as documented on November 2, 2004.

- b. 30 TEX. ADMIN. CODE § 30.5(b), by failing to possess an irrigator license before advertising or representing to the public that he could perform services for which a license was required without holding such a license or employing an individual who held a current license. Specifically, the respondent ran an advertisement in the local newspaper for "sprinkler systems, installation & maintenance."
- c. 30 TEX. ADMIN. CODE §§ 344.58(b) and 30.5(b), by failing as an individual to refrain from using or attempting to use the license of someone else who is a licensed irrigator licensed installer and to possess an irrigator license before advertising or representing to the public that an individual can perform services for which a license is required unless the individual holds a license or employs an individual who holds a current license. Specifically, Mr. Sisca used Mr. Raul Lopez's irrigator's license (LI# 4749) to advertise as a licensed installer in the local newspaper as "A-1 Landscaper and Irrigation."

III. DENIALS

1. Mr. Sisca generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Sisca pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Mr. Sisca's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Joey Sisca, Docket No. 2005-1114-LII-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Sisca shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, Mr. Sisca shall refrain from using or attempting to use the license of someone else who is a licensed irrigator or licensed installer, in accordance with the requirements of 30 TEX. ADMIN. CODE §§ 355.58(b);
- b. Immediately upon the effective date of the Commission Order, cease advertising, selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed, in accordance with the requirements of 30 TEX. ADMIN. CODE § 30.5(b); and
- c. Within 30 days after the effective date of this Order, Mr. Sisca shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Mr. Sisca shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Mr. Robert Mann, Manager
Regulatory Compliance Section, MC 178
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Sisca. Mr. Sisca is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Sites operations referenced in this Agreed Order.
4. If Mr. Sisca fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Sisca's failure to comply is not a violation of this Agreed Order. Mr. Sisca shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Sisca shall notify the Executive Director within seven days after Mr. Sisca becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Sisca shall be made in writing to the Executive Director. Extensions are not effective until Mr. Sisca receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Sisca in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be

Joey Sisca

DOCKET NO. 2005-1114-LII-E

Page 6

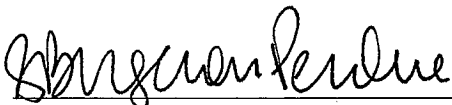
transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Sisca, or three days after the date on which the Commission mails notice of the Order to Mr. Sisca, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/17/08

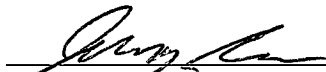
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or Mr. Sisca's failure to timely pay the penalty amount, may result in:

- A negative impact on Mr. Sisca's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Sisca;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Mr. Sisca;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Sisca; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

5/15/08

Date

Joey Sisca

Name (Printed or typed)
Authorized representative of
Joey Sisca

Owner

Title